REMARKS/ARGUMENTS

This Amendment is submitted in response to Advisory Action dated April 24, 2008 and follows the filing of a Notice of Appeal on May 8, 2008. This amendment is being filed with a Request for Continued Examination and a request for an extension of time instead of an Appeal Brief being filed.

I.   Introduction

Claims 2, 7, and 16 have been amended. Support for th amendments to claims 2, 7 and 16 can be found in original claim 8 and elsewhere in the application. Claims 8 and 14 have been canceled without prejudice. Claims 1, 6, 15, and 19-31 have been previously cancelled without prejudice. Accordingly claims 2-5, 7, 9-13, 16-18, and 32-37 are now pending.

In the Office Action dated January 8, 2008, the Examiner rejected claims 1-3, 5-8, 14-17, and 32 as being anticipated under 35 U.S.C. §102(e) by U.S. Patent Publication No. 2004/0249975 to Tuck et al. (hereinafter "the Tuck et al. publication").

The Examiner has further rejected claims 4, 18, and 33-35 as being unpatentable under 35 U.S.C. §103(a) over the Tuck et al. publication in view of U.S. Patent No. 6,684,250 to Anderson et al. (herein after "the Anderson et al. patent").

In addition the Examiner rejected claims 9-13, 36, and 37 under 35 U.S.C. §103(a) as being unpatentable over the Tuck et al. publication in view of the Anderson et al. patent in further view of U.S. Patent Publication No. 2002/0165835A1 to Igval (hereinafter "the Igval publication").

As will be discussed below, none of the pending claims, as amended, are anticipated or rendered obvious by the applied references.

II. The Rejection of claims 2-5, 7, 16, and 18

Claim 2, as amended, recites the following features:

> *wherein determining the location of the user device further includes performing a database lookup operation to retrieve a geographic location stored in association with edge router and port information*

and

> *comparing the obtained physical location information to information listing physical locations authorized to obtain access to a service for which security is to be provided*

In the Office Action dated January 8, 2008, the Examiner cites paragraph 13 of the Tuck et al. publication to show these features. However, that paragraph states (emphasis added):

> "In a preferred embodiment, the system includes a link aware router which is able to determine the **link layer address** of a **client node** which has sent a data packet, and includes a **database of link layer addresses and user information**, which may be hosted by the router. The information may for example relate to the **department** in which a user of the client node is registered and to their **level of authority** and security clearance."

There is no mention of the "physical location information", nor is there any suggestion of "comparing the obtained physical location information to information listing physical locations authorized to obtain access to a service for which security is to be provided". The "link layer address" is not a "physical location". There is also no

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suggestion in the reference that the database contains "physical locations authorized to obtain access to a service for which security is to be provided". It only refers to "department" and "level of authority"; neither of which are "physical locations authorized to obtain access to a service for which security is to be provided".

In the Advisory Action dated April 24, 2008, the Examiner cites paragraphs 23 and 81 of the Tuck et al. publication. Paragraph 23 refers to using "the router NIC number at which packets from a client node are received as well as a VLAN ID" can be used to determine "physical location". Paragraph 81 refers to "movement detection e.g. as described in PCT/SG00/00107".

Claim 2 has been amended to more clearly differentiate the invention from the reference. Specifically, the Tuck et al. publication identifies location by utilizing the "router NIC number", whereas claim 2, as amended, utilizes "edge router and port information" to perform "a database lookup operation to retrieve a geographic location stored in association with the edge router and port information". This is clearly beyond the teaching or suggestion of the Tuck et al. publication. To put it another way, the Tuck et al. publication teaches using the location of the edge router (as provided by the "router NIC number") as the location of the device, whereas claim 2, as amended, utilizes a "database lookup" to "retrieve a geographic location" which is associated with "the edge router and port information".

For at least this reason, claim 2, as amended, is patentable over the Tuck et al. publication. It should be noted that neither the Anderson et al. patent nor the Igval publication suggest the features of claim 2, as amended, argued above.

Claims 3, 4, 5, and 18 for at least the reason that they are dependent on allowable claim 2, are patentable over the cited reference.

Claim 7, as amended, recites the following features:

determining the location of the user device from edge router and port information obtained from an edge router, wherein the determining the location of the user device further includes performing a database lookup operation to retrieve a geographic location stored in association with said edge router and port information

For the same reasons as argued above in relation to claim 2, **claim 7, as amended, is patentable over the cited references.**

Claim 16, as amended, recites the following features:

means for obtaining physical location information indicating the location of a user device which is the source of said IP packet prior to delivery of the packet to the destination address, wherein determining the location of the user device further includes performing a database lookup operation to retrieve a geographic location stored in association with edge router and port information

For the same reasons as argued above in relation to claim 2, **claim 16, as amended, is patentable over the cited references.**

Claim 17, for at least the reason that it is dependent on allowable claim 16, is patentable over the cited reference.

III. The Rejection of claims 9-13

Claim 9 recites the following features:

*(a) receiving an IP packet including a source
address and a destination address;
(b) obtaining physical location information
indicating the location of a user device which is
the source of said IP packet, by:
(i) transmitting a location information
request message including the source address of the
received IP packet,
(ii) receiving in response to said
transmitted location information request message,
information corresponding to the location of the
user device determined from edge router and port
information obtained from an edge router and a
device identifier associated with the source address
of said IP packet;
(iii) performing a database lookup operation
to retrieve a geographic location stored in
association with said edge router and port
information, and
(iv) comparing the received device identifier
to a list of device identifiers corresponding to
stolen devices,
and
(c) determining, as a function of the obtained
physical location information, an action to be taken*

The arguments above in relation to claim 2 apply equally
to claim 9. It should be noted that the Anderson et al.
patent and the Igval publication do not supply any of the
missing features argued above in relation to claim 2, nor
does the Examiner claim that they do.

**For at least these reasons, claim 9 is patentable over
the cited references.**

Further, the feature of claim 9:

*comparing the received device identifier to a list
of device identifiers corresponding to stolen
devices*

is not taught or suggested in **any** of the cited
references. The Examiner points to the Igval publication at
paragraphs [0027 and 0028] as showing this feature. However,
this reference doesn't "compare" anything to "a list of
device identifiers corresponding to stolen devices". The
Igval publication states at paragraph [0028], lines 20-23:

> "If at 454 the answer is no, then at 456 the data
> center 120 flags the postage meter 140b as lost or
> stolen and terminates the session."

This is the **opposite** of the claim 9 feature. Rather
than compare "the received device identifier to a list of
device identifiers corresponding to stolen devices", the
Igval publication uses other methods to determine that a
device is stolen, and then flags it as such.

For at least this additional reason, claim 9 is
patentable over the cited references.

Claims 10-13, **for at least the reason that they are
dependent on allowable claim 9, are patentable over the cited
references.**

Further, claim 11 recites the following features:

> *generating a message indicating the detection of a
> stolen device when said comparing step detects a
> match between the received device identifier and a
> device identifier in said list of device identifiers
> corresponding to stolen devices*

As the cited references do not teach or suggest the above feature, for this additional reason claim 11 is patentable over the cited references.

Still further, claim 12 recites the following features:
wherein said generated message includes information indicating the geographic location where the identified stolen device is being used

As the cited references do not teach or suggest the above feature, for this additional reason claim 12 is patentable over the cited references.

IV.   The Rejection of claims 32-35 and 37

Claim 32 recites the following features:
comparing the determined physical location information to expected information indicating the expected source of an IP packet; and determining a reporting error when said determined physical location information does not match the expected physical location information

The Examiner states on p. 3 of the January 8, 2008 Office Action that "Tuck discloses dropping the packet, and reporting an error if the location does not match ([0017]), and forwarding it if it does ([0119])". Applicant cannot find "reporting an error if the location does not match" in either paragraph. There is a reference in paragraph 17 to "the router determines whether a client node's link layer address is included in the database". However, this does not reference "determined physical location", but rather refers to a "link layer address". Applicant respectfully requests the Examiner clarify this contention.

Further, there is no suggestion of either "comparing the determined physical location information to expected information indicating the expected source of an IP packet" or of "determining a reporting error when said determined physical location information does not match the expected physical location information".

The Examiner cites the Igval publication on p. 4 of the January 8, 2008 Office Action as disclosing: "using a geographical locating system, ([0027]) to determine if a device is in an expected location".

For at least these reasons, **claim 32 is patentable over the cited references.**

Claims 33-35 and 37, for at least the reason that they are dependent on allowable claim 32, are patentable over the cited references.

Further, claim 37 recites the feature:

> *determining if said IP packet was sent at a predetermined time during which a location reporting message was scheduled to be transmitted*

None of the cited references teach or suggest this feature, nor does the Examiner claim that they do. Further, nothing in the references suggest relating their capabilities to "a predetermined time during which a location reporting message was scheduled to be transmitted", and therefore, it would not be obvious to alter the references to include such a feature. For at least this additional reason, claim 37 is patentable over the cited references.

V. The Rejection of claim 36

Claim 36 is patentable over the cited references for at least the reasons above related to claim 9.

Additionally, claim 36 contains the feature:

> *receiving an IP packet including a source address wherein said IP packet is transmitted from a bracelet worn by a parolee and wherein said IP packet includes parolee identification information*

The Examiner does not allege that this feature is taught or suggested by any of the cited references. It would further not be obvious to link the features of "determining from said source address the physical location from which said IP packet was sent" with "a bracelet worn by a parolee". For at least this additional reason, claim 36 is patentable over the cited references.

VI. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are in condition for allowance[1]. Accordingly, it is requested that the Examiner pass this application to issue.

If there are any outstanding issues which need to be resolved to place the application in condition for allowance

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[1] As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, ability to combine references, assertions as to patentability of dependent claims) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

the Examiner is requested to call (732-542-9070) and schedule an interview with Applicant's undersigned representative. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made and any required fee in regard to the extension or this amendment is authorized to be charged to the deposit account of Straub & Pokotylo, deposit account number 50-1049.

None of the statements or discussion made herein are intended to be an admission that any of the applied references are prior art to the present application and Applicants preserve the right to establish that one or more of the applied references are not prior art.

Respectfully submitted,

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